

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- against -

17-cr-169-2 (JGK)

SHIVANAND MAHARAJ,

ORDER

Defendant.

JOHN G. KOELTL, District Judge:

The parties should advise the Court by November 30, 2021 whether a Fatico hearing is required on the amount of restitution and forfeiture.

With respect to restitution, the Government contends that the amount of restitution should be \$1,962,775. This consists of \$2,269,375 from Maharaj Ltd., Sytrex LLC, and Z Tech Solutions. This amount is reduced by \$306,600 for the services received from the IT temporary assistants.

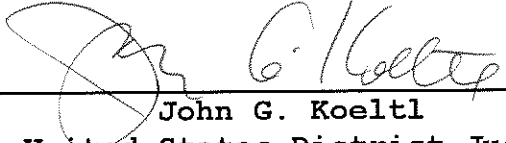
With respect to restitution, the defendant contends that the amount of restitution should be \$1,479,788, although the defendant also seeks apportionment among those responsible for the loss. This amount consists of \$2,040,000 from Maharaj Ltd., Sytrex LLC, and Z Tech Solutions. The defendant reduces this amount by \$560,262.50, which consists of \$483,000 for the services received from the IT temporary assistants (which the Government contends is overstated), \$33,462.50 (which the Government contends should not be deducted because it was attributable to work by the IT temporary assistants), and

\$43,800 for work by Snehal Raval on the Oracle database (which the Government asserts is unproven).

With respect to forfeiture, the Government contends that the defendant should forfeit the entire amount of the alleged fraudulent proceeds in the amount of \$2,269,375. But the Government does not address the defendant's contentions that forfeiture should be reduced by the amount of services actually provided. (Def. Memo at 43, ECF No. 287.) The government also does not address the issue of whether the defendant "actually acquired" all of the amounts received at least by Z Tech Solutions, and that all of the funds received by Maharaj Ltd. and Sytrex LLC were acquired by the defendant. See United States v. Honeycutt, 137 S. Ct. 1626 (2017); United States v. Peters, 732 F.3d 93 (2d Cir. 2013).

SO ORDERED.

Dated: New York, New York
November 29, 2021



John G. Koeltl
United States District Judge